Serial No. 10/701,894

Respectfully submitted.

Reg. No. 38,022

REMARKS

Claims 1-3, 9, 11-19, 25, 29-34 and 40-41 are rejected as anticipated. Applicant respectfully traverses these rejections.

Claims 1-46 are rejected under the James reference.

Applicant is alleged to be a co-inventor under this patent application but was not properly contacted or has not assigned the rights to the same. Accordingly, the rejection is traversed, as a protest shall be filed. See attached Declarations 1-3.

Applicant shall prosecute this case to a state where interference can be declared, and first shall provide allowable subject matter.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638, Deposit Account Name Greenberg Traurig, LLP. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Date: March 28, 2005

Customer Number 33717 GREENBERG TRAURIG, LLP 2450 Colorado Avenue Suite 400E Santa Monica CA 90404 Phone: (310) 586-7700

Fax: (310) 586-7800 E-mail: ipla@gtlaw.com

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First Named Inventor: Mark: C. Metaget Application Number: 10/701,984 Application Number: 10/701,984 Filed: November 6, 2003 Title: APPARATUS AND METHOD ROR BAGCING ICE Attention: Office of Petitions Itali Stop Petition Commissioner for Patients P.O. Box 1450 Alexandria, VA 22313-1450 NOTE: If information or assistance is needed in completing this form, please contact Petitions (information or cassistance is needed in completing this form, please contact Petitions (information or assistance is needed in completing this form, please contact Petitions (information or assistance is needed in completing this form, please contact Petitions (information or assistance is needed in completing this form, please contact Petitions for Information or assistance is needed in completing this form, please contact Petitions information or assistance is needed in completing this form, please contact Petitions information or assistance is needed in completing this form, please contact Petitions in the information or assistance is needed in completing this form, please contact Petitions information or assistance is needed in completing this form, please contact Petitions in the day often free expiration date of the day often or assistance is needed in completing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact Petitions for information or assistance is needed in completing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact Petitions for information for fashing to fashing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact APPLICATION NOTE: If information or assistance is needed in completing this form, please contact		PET	TION FOR REVIVAL OF AN APPLICATION I BANDONED UNAVOIDABLY UNDER 37 CF	EOP DATENT		
Application Number: 107/01, 984 Filed: November 6, 2003 Attention: Office of Petitions Attention: Office of Petitions Attention: Office of Petitions Commissioner for Petitions Commissioner for Petitions Petitions Information or essistance is needed in completing this form, please contact Petitions information at (703) 305-9262 The above-identified application became abandoned for faiture to file a timely and proper reply to a notice or action by the United Sates Patent and Tratemark Office. The date of abandoments is the day effect the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer foe-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable detay. 1. Patition fee Small entity - fee \$ _250_00(37 CFR 1.17(0)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$(37 CFR 1.17(0)). 2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of Response to Office Action Date of 7/12/04 (identify the type of reply): has been filed previously on	First					
Flied: APPARATUS AND NETHOD BOR BAGCING ICE Attention: Office of Petitions Itali Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22213-1450 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information of (703) 305-6282. The above-identified application became abandoned for fature to file a timely and preper repty to a notice or action by the United Sates Patent and Trademark Office. The data of abandorment is the day after the expiration date of the period set for rapty in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantible petition requires the following harms: (1) Petition fee. (2) Repty and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 6, 1985, and for all design applications; and (4) Adequate showing of the cause of unavoidable detay. 1. Petition fee Small entity - fee \$250_00	App	icatio				
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This extention of information is required by 57 CFR 1.137(a). The trianguation is required to obtain or retain a boundit by the public which is to five fund by the UEPTO to process) on application. Continuation is governed by 35 U.S.C. 122 and 57 CFR 1.11 and 1.14. This collection is calibrated to take 8-hours to complete, including gathering, and extensible the completed application from the UEPTO. Three will vary deposition to take 8-hours to Any comments on the emount of time you require to complete this form arriver suggestions for reducing this burden, should be sent to the Chief Information Critice, U.S. Peters and Tradamer's Office, U.S. Department of Commence, P.O. Box 1460, Abstancia, VA 22313-1450. DO NOT SEND TO: Mail Stop Petition, Commission for Petershy, P.O. Box 1460, Abstancia, VA 22313-1450.

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4. An adequate showing of the cause of the delay, and that the entire delay in filling the required reply from the due date for the reply until the filling of a grantable petition under 37 CFR 1.137(s) was unavoidable, is enclosed.				
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Dorothy E. Chambers				
Typed or printed name of person algaing certificate				

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